IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 7086 of 2000

Between:

Attili Sundari Kumari, d/o. A.Eswara rAo,
R/o. Ramalayam Street, Hanumanthwaka, Visakhapatnam Dist.

..... PETITIONER

AND

1 The Andhra University, rep by the Registrar,
Visakhapatnam Dist.
2 The Vice Chancellor, Andhra University,
Visakhapatnam .
3 The Additional Controller of Exams I, Andhra University,
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction particularly a Writ in the nature of Mandamus, declaring the action of the respondents herein in not sending the petitioners memorandum of marks for the examinations for betterment in paper 1 and 3 in MA History previous and paper of the subjects "History of the Modern world Science 1919" and "History of Modern Japan(1840-1960)" in M.A. Final conducted in February, 1999 and April.,1999 respectively and further direct the respondents to send the memorandum of marks of the petitioner in the a foresaid subjects.

Counsel for the Petitioner: Mr.N.GURUGOPAL & S.R.SANKU

Counsel for the Respondents: MR.T.RAJENDRA PRASAD, Standing Counsel for Andhra University

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7086 OF 2000

ORDER:

The petitioner appeared for M.A.(History) examinations in April, 1998 and got through the same in second class. As he did not get good percentage of marks, he applied for betterment examinations in February, 1999 for Paper I (History of India upto 647 A.D.), paper III-History of Vizianagaram (1336-1650 A.D.) and History of Modern World Science and History of Modern Japan. As he secured less marks, he applied for revaluation of papers I and V of M.A. final. He did not receive any memorandum of marks after revaluation in spite of his visits to the University. Ultimately the Additional Controller of Examinations, the third respondent herein, by communication dated 07.03.2000 informed that the executive council by resolution No.10 dated 24.10.1998 resolved to dispense with the practice of paperwise betterment examinations and that the petitioner is permitted to write whole examinations as betterment. The petitioner, therefore, filed the present writ petition seeking a direction to respondents to send the memorandum of marks to the petitioner of the betterment examination in February/April, 1999.

A counter affidavit is filed by the Registrar of first respondent – University, *inter alia,* stating that as per the decision of the executive council, paperwise betterment examinations is not permissible and that the University gave publicity for the same. The petitioner was permitted for betterment of papers and revaluation was done due to clerical error and his appearance does not confer any right.

Learned counsel for the petitioner strenuously contends that having permitted the petitioner for betterment examination in M.A. Previous as well as Final papers, it would not be permissible for the University not to send the memorandum of marks after revaluation.

The regulations framed by executive council govern M.A. course and betterment examinations for the same. The petitioner appeared for betterment examinations of M.A. Previous in February, 1999 and
M.A. Final in April, 1999. Even by that date, the executive council on 24.10.1998 resolved to dispense with the system of paperwise betterment examinations and allowed only betterment examination if a candidate takes all the papers. Somehow,

the petitioner was allowed to appear for betterment examinations though the resolution of executive council was in force. It was purely a mistake on the part of the University and the same does not, in any manner, confer any right on the petitioner. The petitioner has a right to appear for betterment examinations as per the rules and regulations framed by the executive council and when the regulations do not permit paperwise betterment examinations, the petitioner cannot be said to have any enforceable right.

The writ petition is misconceived and is accordingly dismissed.

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(V.V.S.RAO,J)

03.11.2004.

pln

To

1. The Registrar, Andhra University, Visakhapatnam.
2. The Vice Chancellor, Andhra University, Visakhapatnam.
3. The Additional Controller of Exams I, Andhra University, Visakhapatnam.
4. 2 CD copies.